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09/720,791	12/29/2000	Masafumi Yamanoue	0033-0682P	5008

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EXAMINER

WORLOH, JALATEE

ART UNIT	PAPER NUMBER
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3621

DATE MAILED: 07/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/720,791	Applicant(s) YAMANOUE ET AL.	
	Examiner Jalatee Worjloh	Art Unit 3621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 April 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 11-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 11-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 December 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. This Office Action is responsive to the amendment filed on April 16, 2004, in which claims 11-27 were amended and claims 1-10 canceled.

Response to Arguments

2. Applicant's arguments filed April 16, 2004 have been fully considered but they are not persuasive.
3. Applicants argue that Hendricks does not teach "the content of an electronic book selected by said user interface".

The examiner disagrees; notice, the step of providing the content of an electronic book selected by said user interface is taught by Hendricks. Hendricks discloses a viewer with touch panel controls that allows a customer to select books (see paragraph [0087]). Once the text is selected, a video graphics controller, a component of the viewer, displays the VGA quality text and graphic images (see paragraph [0086]). Thus, the content of an electronic book selected by said user interface is provided.

Applicants argue that Kambayashi et al. do not show "a processing unit extracting from said storage unit a contents identifier corresponding to the contents selected by said user interface."

4. However, Kambayashi et al. teach a decoder section extracting a content ID corresponding to a selected content from a storage unit (see paragraph [0413]). Modifying the apparatus of Hendricks, which allows a user to select content using a user interface, by adding

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the decoder section of Kambayashi et al. that extracts the content ID, is an obvious revision. As indicated in the "Non-Final Action", One of ordinary skill in the art would have been motivated to do this because it allows quick and easy distribution of digitized works and provides a digital information usage environment assuming protection by copyright (see Kambayashi et al. paragraph [0057]).

5. In response to applicant's argument that Kambayashi et al. is nonanalogous art, it has been held that a prior art reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). In this case, both Kambayashi et al. and Hendricks teach processing, reproducing/downloading, and distributing digital content. These references are therefore analogous.

6. Applicants argue that Ginter et al. cannot be use in the rejection because of Ginter et al.'s publication date [Oct. 9, 2003]. However, Ginter et al. claim benefit to Application No. 09/272,998 files on March 19, 1999, which is a continuation in part of 08/706,206 filed **August 30, 1996**. Thus, Ginter et al. is an acceptable prior art.

7. In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir.

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1992). In this case, Kambayashi et al. seek to provide an apparatus/system that allows quick and easy distribution of digitized work and provide digital information usage environment assuming protection by copyright. Modifying Hendricks to include the features of Kambayashi et al. will thus provide a quick and easy distribution and copyright protection.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 11, 12, and 14-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Pub. No. 2002/0196364 to Hendricks in view of US Pub. No. 2002/0002466 to Kambayashi et al.

Hendricks discloses a communication unit carrying out data communication with an external source, a user interface for a user to select desired contents identifier in correspondence, a communication port to which a user identifier is input, processing unit causing said communication unit to transmit said communication port to said external source and providing in a pair auxiliary information to display contents received by said communication unit and the content of an electronic book selected by said user interface (see paragraphs [0085]-[0088], [0069] and [0056]). Hendricks does not expressly disclose a processing unit extracting from said storage unit a contents identifier corresponding to the contents selected by said user interface. Kambayashi et al. disclose a processing unit extracting from said storage unit a contents identifier corresponding to the contents selected by said user interface (see paragraph [0413]).

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At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the apparatus disclose by Hendricks to include a processing unit extracting from said storage unit a contents identifier corresponding to the contents selected by said user interface. One of ordinary skill in the art would have been motivated to do this because it allows quick and easy distribution of digitized works and provides a digital information usage environment assuming protection by copyright (see Kambayashi et al. paragraph [0005])

Referring to claim 12, Hendricks discloses a charge account processing unit carrying out charge accounting from a user (see paragraph [0113]). Hendricks does not expressly disclose said processing unit alters the contents identifier transmitted by said communication unit according to charge account status by said charge account processing unit. Kambayashi et al. disclose said processing unit alters the contents identifier transmitted by said communication unit according to charge account status by said charge account processing unit (see paragraph [0634]). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the apparatus disclose by Hendricks to include said processing unit altering the contents identifier transmitted by said communication unit according to charge account status by said charge account processing unit. One of ordinary skill in the art would have been motivated to do this because it provides an apparatus for charging for use of contents information recorded on a recording medium while allowing quick and easy distribution of copyright digital information (see Kambayashi et al. paragraph [0010]). Also, it provides an update apparatus that updates license information on the basis of a request for updating the license information upon receiving at least a newly designated license condition and second key

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generation information; thus, allowing easy modification of license information including contents identifier (see Kambayashi et al. paragraph [0014]).

Referring to claim 14, Hendricks discloses an input unit to enter auxiliary information to display contents and encoded contents of an electronic book (see paragraph [0085]) and a display unit displaying the contents reproduced by said processing unit (see [0097]). Hendricks does not expressly disclose a processing unit generating a contents key from the auxiliary information input by said input unit and a prestored user key and reproducing encoded contents input by said input unit using said contents key. Kambayashi et al. disclose a processing unit generating a contents key from the auxiliary information input by said input unit and a prestored user key (see paragraph [0366]) and reproducing encoded contents input by said input unit using said contents key (see paragraph [0020]). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the apparatus disclose by Hendricks to include a processing unit generating a contents key from the auxiliary information input by said input unit and a prestored user key and reproducing encoded contents input by said input unit using said contents key. One of ordinary skill in the art would have been motivated to do this because it provides data security and prevents unauthorized users from accessible the content.

Referring to claim 15, Hendricks discloses a display apparatus (see claim 14 above). Hendricks does not expressly disclose said encoded contents include a plurality of modules including at least one of data and a processing program, wherein said processing unit executes said plurality of modules and reproduces said electronic book contents Kambayashi et al. disclose said encoded contents include a plurality of modules including at least one of data and a processing program, wherein said processing unit executes said plurality of modules and

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reproduces said electronic book contents (see paragraphs [0020] and [0647]). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the apparatus disclose by Hendricks to include said encoded contents include a plurality of modules including at least one of data and a processing program, wherein said processing unit executes said plurality of modules and reproduces said electronic book contents. One of ordinary skill in the art would have been motivated to do this because executes routines that allows quick and easy distribution of digitized works and provides a digital information usage environment assuming protection by copyright (see Kambayashi et al. paragraph [0005]).

Referring to claim 16, Hendricks discloses said plurality of modules includes a module (i.e. "a video graphic controller") with a description of display attribute information, wherein said processing unit extracts a display attribute form said module with description of a display attribute and selectively executes said plurality of modules according to said display attribute (see paragraphs [0085], [0086], and [0097]).

Referring to claim 17, Hendricks discloses a display apparatus (see claim 14 above). Hendricks does not expressly disclose said plurality of modules include a module with a description of information indicating the type of contents key, wherein said processing unit extracts information indicating the type of contents key from said module with a description of information indicating the type of contents key, and determines whether to execute or not said module according to said information. Kambayashi et al. disclose said plurality of modules include a module with a description of information indicating the type of contents key, wherein said processing unit extracts information indicating the type of contents key from said module with a description of information indicating the type of contents key, and determines whether to

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execute or not said module according to said information (see paragraph [0020]). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the apparatus disclose by Hendricks to include said plurality of modules include a module with a description of information indicating the type of contents key, wherein said processing unit extracts information indicating the type of contents key from said module with a description of information indicating the type of contents key, and determines whether to execute or not said module according to said information. One of ordinary skill in the art would have been motivated to do this because this because executes routines that allows quick and easy distribution of digitized works and provides a digital information usage environment assuming protection by copyright (see Kambayashi et al. paragraph [0005]).

Referring to claims 18 and 19, Hendricks discloses a recording medium in which auxiliary information to display contents and encoded contents of an electronic book are recorded, wherein said input unit reads out the auxiliary information and the encoded contents of an electronic book recorded in said recording medium, wherein said recording medium has said auxiliary information recorded in a nonreadable region (see [0085]-[0088]).

10. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hendricks in view of US Pub. No. 2003/0191719 to Ginter et al.

Hendricks discloses a first storage unit storing in correspondence a contents identifier corresponding to contents of an electronic book and a contents key (see paragraph [0069]), a second storage unit storing in correspondence a user identifier and a user key (see paragraphs [0083], [0085] and [0094]), and generating auxiliary information to display contents from

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contents key and user key (see paragraph [0086]). Hendricks does not expressly disclose a processing unit referring to said first storage unit and said second storage unit to extract a contents key and user key according to a specified contents identifier and user identifier. Ginter et al. disclose a processing unit referring to said first storage unit and said second storage unit to extract a contents key and user key according to a specified contents identifier and user identifier (see paragraphs [2466] and [2550]). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the apparatus disclose by Hendricks to include a processing unit referring to said first storage unit and said second storage unit to extract a contents key and user key according to a specified contents identifier and user identifier. One of ordinary skill in the art would have been motivated to do this because it secures the content by ensuring that the appropriate user views the content.

11. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hendricks and Kambayashi et al. in view of Ginter et al.

Hendricks discloses an electronic book display apparatus reproducing and displaying an electronic book sold by said electronic copyrighted work sales apparatus, a user interface for a user to select desired, a first storage unit storing in correspondence contents of an electronic book and a contents identifier, a communication port to which a user identifier is input, and a first processing unit extracting from said first storage unit a contents identifier corresponding to the contents selected by said user interface, and providing auxiliary information to display contents and contents of an electronic book selected by said user interface in a pair, wherein said key information management apparatus includes a second storage unit storing in correspondence a

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content identifier and a contents key corresponding to contents of an electronic book, a third storage unit storing in correspondence a user identifier and a user key and generating auxiliary information to display said contents forms aid extracted contents key and user key; wherein said electronic book display apparatus includes an unit to input auxiliary information to display said contents and contents of an electronic book and a display unit displaying the contents reproduced by said third processing unit (see paragraphs [0069], [0083] -[0088], [0094],[0097]). Hendricks does not expressly disclose an electronic copyrighted work sales apparatus selling an electronic book, a key information management apparatus administering key information of an electronic book that is to be sold by said electronic copyrighted work sales apparatus, a second processing unit referring to said second storage unit and said third storage unit to extract a contents key and user key according to the contents identifier extracted by said first processing unit and a user identifier and a third processing unit generating a contents key form auxiliary information input by said input unit and a prestored user key, and reproducing contents input through said input unit using said contents key. Kambayashi et al. disclose an electronic copyrighted work sales apparatus selling an electronic book (see paragraph [0311]), a key information management apparatus administering key information of an electronic book that is to be sold by said electronic copyrighted work sales apparatus (see paragraph [0189]), and a third processing unit generating a contents key form auxiliary information input by said input unit and a prestored user key, and reproducing contents input through said input unit using said contents key (see paragraph [0366]). Ginter et al. disclose a second processing unit referring to said second storage unit and said third storage unit to extract a contents key and user key according to the contents identifier extracted by said first processing unit and a user identifier (see paragraphs

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[2466], [2550]). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the system disclose by Hendricks to include an electronic copyrighted work sales apparatus selling an electronic book, a key information management apparatus administering key information of an electronic book that is to be sold by said electronic copyrighted work sales apparatus, a second processing unit referring to said second storage unit and said third storage unit to extract a contents key and user key according to the contents identifier extracted by said first processing unit and a user identifier and a third processing unit generating a contents key form auxiliary information input by said input unit and a prestored user key, and reproducing contents input through said input unit using said contents key. One of ordinary skill in the art would have been motivated to do this because that allows quick and easy distribution of digitized works and provides a digital information usage environment assuming protection by copyright (see Kambayashi et al. paragraph [0005]).

12. Claims 21, 23 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hendricks.

Hendricks discloses a processing unit generating and adding to electronic book data auxiliary information according to the electronic book data and an input user identifier (see [0085], [0086], [0097]). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to develop a system that generates and adds to electronic book data auxiliary information according to the electronic book data and an input user identifier. One of ordinary skill in the art would have been motivated to do this because it eliminates the distribution of any physical object such as a paper book (see paragraph [0004]).

Referring to claim 23, Hendricks discloses a first processing unit generating auxiliary information according to electronic book data and user identifier, and comparing said generated auxiliary information and auxiliary information added to said electronic book data and a production processing unit determining a reproduction processing method of contents according to a comparison result by said first processing unit and reproducing the contents (see paragraphs [0085] and [0086]). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to develop an apparatus that includes a first processing unit generating auxiliary information according to electronic book data and user identifier, and comparing said generated auxiliary information and auxiliary information added to said electronic book data and a production processing unit determining a reproduction processing method of contents according to a comparison result by said first processing unit and reproducing the contents. One of ordinary skill in the art would have been motivated to do this because it secures the content by ensuring that the proper content is reproduced.

Referring to claim 27, Hendricks discloses contents including a plurality of modules with at least one of data and processing program and a module with a description of display attribute information, a processing unit extracting a display attribute from said module with a description of a display attribute, and selectively executing said plurality of modules according to said display attribute to reproduce contents and display unit displaying contents reproduced by said processing unit (see paragraphs [0085], [0086] and [0097]). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to develop an apparatus comprising discloses contents including a plurality of modules with at least one of data and processing program and a module with a description of display attribute information, a

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processing unit extracting a display attribute from said module with a description of a display attribute, and selectively executing said plurality of modules according to said display attribute to reproduce and contents and display unit displaying contents reproduced by said processing unit. One of ordinary skill in the art would have been motivated to do this because it ensures that the proper content is reproduced.

13. Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hendricks as applied to claim 21 above, and further in view of US Patent No. 6073122 to Wool.

Hendricks discloses a second processing unit encrypting a portion of input electronic book data, and adding the encrypted data to electronic book data to be output and a third processing unit receiving information including a user identifier, calculating auxiliary information and adding to electronic book data to be output (see paragraphs [0085] and [0056]). Hendricks does not expressly disclose a first processing unit carrying out a process according to information defined in a header of input electronic book data and applying the result to electronic book data to be output. Wool discloses a first processing unit carrying out a process according to information defined in a header of input electronic book data and applying the result to electronic book data to be output (see abstract). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the apparatus disclose by Hendricks to include a first processing unit carrying out a process according to information defined in a header of input electronic book data and applying the result to electronic book data to be output. One of ordinary skill in the art would have been motivated to do this because it prevents unauthorized individuals from tampering with essential programming procedures.

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14. Claims 24 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hendricks as applied to claim 23 above, and further in view of Ginter et al.

Hendricks discloses a display apparatus (see claim 23 above). Hendricks does not expressly disclose a second processing unit comparing usage time limit information defined in a header of said electronic book data with the current time to determine whether to display contents or not and outputting a designation to said reproduction processing unit. Ginter et al. disclose a second processing unit comparing usage time limit information defined in a header of said electronic book data with the current time to determine whether to display contents or not and outputting a designation to said reproduction processing unit (see paragraphs [1317], [1321] and [1701]). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the apparatus disclose by Hendricks to include a second processing unit comparing usage time limit information defined in a header of said electronic book data with the current time to determine whether to display contents or not and outputting a designation to said reproduction processing unit. One of ordinary skill in the art would have been motivated to do this because it secures the content by preventing unauthorized individuals from viewing the data.

Referring to claim 26, Hendricks discloses a display apparatus (see claim 23 above). Hendricks does not expressly disclose a user identifier registration unit registering a user identifier that is automatically generated or input by a user. Ginter et al. disclose a user identifier registration unit registering a user identifier that is automatically generated or input by a user (paragraph [1412]). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the apparatus disclose by Hendricks to include a user

identifier registration unit registering a user identifier that is automatically generated or input by a user. One of ordinary skill in the art would have been motivated to do this because it effectively monitors its users.

15. Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hendricks as applied to claim 23 above, and further in view of Kambayashi et al.

Hendricks discloses a display apparatus (see claim 23 above). Hendricks does not expressly disclose a third processing unit determining whether to decode or not an encrypted portion of said electronic book data according to a comparison result by said first processing unit and carrying out a process. Kambayashi et al. disclose a third processing unit determining whether to decode or not an encrypted portion of said electronic book data according to a comparison result by said first processing unit and carrying out a process (see paragraph [0020]). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the apparatus disclose by Hendricks to include a third processing unit determining whether to decode or not an encrypted portion of said electronic book data according to a comparison result by said first processing unit and carrying out a process. One of ordinary skill in the art would have been motivated to do this because that allows quick and easy distribution of digitized works and provides a digital information usage environment assuming protection by copyright (see Kambayashi et al. paragraph [0005]).

Conclusion

16. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jalatee Worjloh whose telephone number is 703-305-0057. The examiner can normally be reached on Mondays-Thursdays 8:30 - 7:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on 703-305-9768. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306, 703-746-9443 for Non-Official/Draft.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal Drive,
Arlington, V.A., Seventh floor receptionist.

June 23, 2004



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